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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group on Firearms
Vienna, 26-28 May 2014

Annotated provisional agenda

Provisional agenda

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.
2. Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations.
3. Monitoring illicit trafficking flows in firearms at the national, regional and global levels.
4. Challenges and good practices in the prevention of the illicit manufacturing of firearms.
5. Other matters.
6. Adoption of the report.

Annotations

1. Organizational matters

(a) Opening of the meeting

The meeting of the Working Group on Firearms will be opened on 26 May 2014 at 10 a.m.

(b) Adoption of the agenda and organization of work

In its resolution 5/4, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", the Conference of the Parties to the

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United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

In that resolution, the Conference also decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could better implement the provisions of the Firearms Protocol; (c) assist the Conference in providing guidance to its secretariat on the activities of the Secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol; and (d) make recommendations to the Conference on how the working group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

In its resolution 6/2, entitled "Promoting accession to and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", the Conference, inter alia, expressed its appreciation for the work of the Working Group on Firearms at its first meeting, held in Vienna on 21 and 22 May 2012, and took note of the recommendations contained in its report (CTOC/COP/2012/6). In the same resolution, the Conference requested the Working Group to continue advising and assisting the Conference in the implementation of its mandate with regard to the Firearms Protocol, in accordance with Conference resolution 5/4, and decided that the Working Group should hold at least one intersessional meeting.

Also in its resolution 6/2, the Conference invited the Working Group to consider practical proposals for implementing the recommendations formulated at its first meeting and encouraged States, through the Working Group, to present their views and comments on the implementation of the Firearms Protocol, including those relating to factors that might impede accession, ratification or implementation, as well as on its strong points, good practices and progress made with its application, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Furthermore, in the same resolution, the Conference requested the Secretariat to inform the Working Group about the activities of the United Nations Office on Drugs and Crime (UNODC) to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and capacity-building, and awareness-raising strategies to prevent and combat the illicit

manufacturing of and trafficking in firearms, their parts and components and ammunition.

At its meeting on 11 February 2014, the extended Bureau of the Conference of the Parties agreed on the provisional agenda for the second meeting of the Working Group.

The proposed organization of work, contained in the annex to the present document, was prepared in accordance with Conference resolution 6/2 in order to enable the Working Group to perform its mandated functions within the time and according to the conference services available to it. The resources available to the Working Group will permit the holding of two plenary meetings per day with interpretation in the six official languages of the United Nations.

2. Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations

The report of the first meeting of the Working Group on Firearms contained a number of recommendations made by the Group for the Conference that were aimed at facilitating the implementation of the Firearms Protocol, including specific measures aimed at strengthening the criminal justice response to firearms trafficking and related forms of organized crime. The Working Group recommended, inter alia, that the Conference should urge States parties that had not yet done so to review and strengthen their criminal legislation and to establish as criminal offences the acts covered by the Firearms Protocol, including by introducing sanctions commensurate with the nature and gravity of the offence. Furthermore, it recommended, inter alia, that States should aim to strengthen their overall capacities to conduct criminal investigations, share information and good practices in the investigation and prosecution of firearms-related offences, and enhance international cooperation, including with regard to the tracing of firearms and ammunition, judicial cooperation and extradition, in order to combat the trafficking of illicit firearms and its links to organized crime.

In its resolution 6/2, the Conference requested UNODC, through its global programme on firearms, to assist Member States, upon request, in strengthening their capacities to investigate and prosecute illicit manufacturing of and trafficking in firearms and related forms of transnational organized crime, inter alia, through practical workshops and exchanges of experience and direct contact among investigators and prosecutors on the application of the Convention and its Firearms Protocol.

For its consideration of this item, the Working Group will have before it a background paper by the Secretariat on challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (CTOC/COP/WG.6/2014/2). A section of the paper will contain a description of challenges and good practices with regard to the criminalization, investigation and prosecution of firearms-related offences, as well as practical measures to facilitate the sharing of information and international cooperation, including through effective tracing of firearms in ongoing investigations. A subsection of the background paper, on challenges in the adoption of adequate

legislative frameworks, will contain information on the challenges faced by States in translating the provisions of multiple firearms-related treaties into domestic legislation and on the legal and operational difficulties encountered by practitioners as a result of the lack of adequate criminalization provisions related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Another subsection, on investigation and prosecution of firearms-related offences, will address the major difficulties encountered by practitioners in conducting criminal investigations into cases involving firearms-related offences, and will contain a description of the strategic importance of combining adequate technical and investigative skills and practical tools in criminal investigations. A third subsection, on measures to enhance international cooperation in criminal matters, will address some of the challenges faced by practitioners in dealing with transnational firearms cases and will refer to good practices and tools to facilitate and enhance information-sharing and international cooperation with regard to the investigation and prosecution of firearms trafficking cases.

For its consideration of this item, the Working Group will also have before it a note by the Secretariat on the activities of UNODC to promote the ratification and implementation of the Firearms Protocol (CTOC/COP/WG.6/2014/3). That document will contain proposals for practical measures to facilitate the implementation of relevant recommendations made by the Working Group on Firearms at its first meeting.

Under this item, a presentation will be given by the Secretariat on the work of the global programme on firearms.

Documentation

Background paper by the Secretariat on challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (CTOC/COP/WG.6/2014/2)

Note by the Secretariat on activities of the United Nations Office on Drugs and Crime to promote the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.6/2014/3)

3. Monitoring illicit trafficking flows in firearms at the national, regional and global levels

In its resolution 5/4, the Conference requested UNODC to conduct a study of the transnational nature of and routes used in trafficking in firearms, based on the analysis of information provided by States on confiscated weapons and ammunition. At the sixth session of the Conference, the Secretariat provided information on the preliminary findings of the study and a summary of information collected from States on the illicit firearms trafficking situation in their respective countries (CTOC/COP/2012/12).

In its resolution 6/2, the Conference took note of the information gathered so far by UNODC in carrying out the study and requested the Office to improve the methodology and complete the study in accordance with its mandate, for

consideration by the Conference at its seventh session. The Conference called upon States to participate in and contribute to the study, as appropriate.

Pursuant to that mandate, UNODC improved the methodology of the study and made available two online questionnaires with a view to standardizing and facilitating the data-gathering process of States. For its consideration of item 3, the Working Group will have before it the annual seizures report questionnaire (CTOC/COP/WG.6/2014/CRP.1) and the significant individual seizures report questionnaire (CTOC/COP/WG.6/2014/CRP.2).

For its consideration of this item, the Working Group will also have before it the background paper by the Secretariat on challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (CTOC/COP/WG.6/2014/2). A section of that document will address the importance of the regular collection and periodic analysis of relevant data on seized and confiscated firearms for the purpose of monitoring illicit firearms trafficking flows, and will contain a description of the current status of the work of UNODC in conducting a study of the transnational nature of and routes used in trafficking in firearms.

The Working Group will also have before it a note by the Secretariat on the activities of UNODC to promote the ratification and implementation of the Firearms Protocol (CTOC/COP/WG.6/2014/3). The paper will contain, inter alia, information on the activities carried out by UNODC in relation to the study and on the accompanying support provided to requesting States in the area of data collection and analysis.

Under the item, an oral presentation will be given by the Secretariat on the work of UNODC on conducting a study of the transnational nature of and routes used in the trafficking in firearms.

Documentation

Background paper by the Secretariat on challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (CTOC/COP/WG.6/2014/2)

Note by the Secretariat on activities of the United Nations Office on Drugs and Crime to promote the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.6/2014/3)

United Nations Office on Drugs and Crime study on illicit firearms trafficking: Annual seizures report questionnaire (CTOC/COP/WG.6/2014/CRP.1)

United Nations Office on Drugs and Crime study on illicit firearms trafficking: Significant individual seizures report questionnaire (CTOC/COP/WG.6/2014/CRP.2)

4. Challenges and good practices in the prevention of the illicit manufacturing of firearms

In its resolution 6/2, the Conference noted that the Firearms Protocol recognized verifiable lawful purposes, such as hunting, sport shooting, evaluation, exhibitions

or repairs, and reaffirmed the obligation of States parties to seek support and cooperate to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and acknowledged that that cooperation was facilitated through the recognition of such lawful purposes. At its first meeting, the Working Group recommended that the Conference might wish to urge States parties to ensure that production of firearms, including handcrafted firearms, their parts and components and ammunition was in accordance with the proper licensing, authorization and marking requirements, including through the use of appropriate criminalization provisions.

For its consideration of item 4, the Working Group will have before it a background paper by the Secretariat on challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (CTOC/COP/WG.6/2014/2). A section of the background paper will address the issue of illicit manufacturing of firearms, as defined under the Firearms Protocol, and will identify some good practices in its prevention and control.

Documentation

Background paper by the Secretariat on challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (CTOC/COP/WG.6/2014/2)

5. Other matters

As no issues to be raised under item 5 have come to the attention of the Secretariat, no documentation regarding this item is currently foreseen.

6. Adoption of the report

The Working Group will adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Annex

Proposed organization of work

Date and time	*Agenda item*	*Title and description*
Monday, 26 May		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations
3-6 p.m.	2	Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations (*continued*)
Tuesday, 27 May		
10 a.m.-1 p.m.	3	Monitoring illicit trafficking flows in firearms at the national, regional and global levels
3-6 p.m.	3	Monitoring illicit trafficking flows in firearms at the national, regional and global levels (*continued*)
Wednesday, 28 May		
10 a.m.-1 p.m.	4	Challenges and good practices in the prevention of the illicit manufacturing of firearms
3-6 p.m.	5	Other matters
	6	Adoption of the report